PRESERVED

App. F..IX-4

1938.
(Courts)

File No. 17938

Serial Nos. 5, 6.

Previous References
CS 17-38 (3,4)

Letter References
CS 17-38 (7,8)
" 228-39 (1-2)
" 200/40 Sls: 1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only.

Part B for March, 1939.

SUBJECT.

Procedure to be followed in regard to letters of request Commissions and Summonses for foreign Countries.

WD 0295—GPB—22,500—18-8-37

5414

Procedure to be followed in regard to Letters of Request, Commissions & Summonses for Foreign Countries

General and Revenue Secretariat | Cs File No. 17 of 1938. | [App. F. III—

Serial No.

From The Secretary to the Hon'ble the Resident R Dis no 7·563-38 R.O. I dt 27th Feby. 39 forwarding for the information of the Govt of Mysore a copy of the Memorandum prepared by the Foreign Office re: the correct procedure to be adopted for transmission of documents to foreign countries.

The enclosures to the D.O. relate to the correct procedure to be adopted for transmission of documents issued by a Court in an Indian State for service in a foreign country and they have been prepared by the Foreign Office. There is also a supplementary memorandum re: the mode of transmission to certain countries to which special rules of procedure apply. If approved a copy of the D.O. with the enclosures will be sent to the Registrar High Court for information & ~~necessary action~~ future guidance in future. Submitted with a draft

RS 1/3 (Chief Secy) hg

2) For perusal. 1·3·

(1st member) MS 3/3

hg 3·3

3) Secy 7/3/39 MS 7/3

4) Issue hg 8·3

CHIEF SECRETARY. 3. MAR. 1939 GOVT OF MYSORE.

OFFICE OF THE PRIVY COUNCIL MAR 3 1939 No. 6952

PRIVY SECTION 8 MAR. 1939 GEN. & REV. SECTT.

Note:—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

c5 17-38-5

CS
28. FEB. 1939

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

CHIEF SECRETARY
Pmh
27. FEB. 1939
GOVT. OF MYSORE.

Dated Bangalore, the 27th February *1939*.

Procedure to be followed in regard to letters of request commissions and summonses for foreign countries.

SIR,

I am directed to refer to the correspondence ending with endorsement from this Residency R.Dis.No.F.563-38/R.O.I, dated the 30th September 1938.

Flag 'V'

Since all Indian States are precluded by treaties from maintaining relations with foreign countries, the Crown Representative has decided that the correct procedure to be adopted for the transmission of documents issued by a court in an Indian State for service in a foreign country would be for that court to ask the Darbar to seek the good offices of the Crown Representative with a view to such documents being forwarded by him through the India Office and Foreign Office to the Government to which they are addressed. In this connection I am to enclose for the information of the Government of Mysore a copy of a memorandum prepared by the Foreign Office on the subject and to state that the procedure laid down therein should be adopted for the purposes of letters of request etc. issued by courts in Indian States, any reference to the Government of India in the memorandum being read as a reference to the Crown Representative.

I am also to forward for the information of the Government of Mysore a copy of a supplementary memorandum prepared by the Government of India regarding the mode of transmission of documents to certain

certain countries to which special rules of procedure apply, and to say that the procedure laid down therein should be adopted in respect of documents issued by courts in Indian States with the modification that in all cases they should invariably be sent by Darbars to the Political Officers concerned who will in turn forward them to the Crown Representative for necessary action.

I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO THE RESIDENT.

M E M O R A N D U M

Service of Documents and taking of Evidence in Foreign Countries on behalf of Courts in India by (a) British Consular Officers and (b) Foreign Judicial Authorities.

(A) General. In all cases the documents should be forwarded by the appropriate Department of the Governm of India which will in India exercise such supervision as is necessary to ensure that the documents are in order an will return them to the authority by whom they were issue for amendment in cases where this is not so. This Depart of the Government of India will then forward the document to the Foreign Office through the India Office.

2. The Foreign Office will look to the Government of India for the repayment of any fees and expenses resultir from the execution of the letter of request and claimed b the Consular Officer or the foreign judicial authority as the case may be. The Foreign Office will not be concerned with the arrangements which the Government of India may make to ensure payment of these fees and expenses by the authorities and individuals in India who are liable to pay them.

3. In no case should a precise date be fixed by the court in India for a return of the documents which are the subject of the letter of request. It is impossible for a court in India to order a date before which a foreign judicia authority must execute a request which the foreign judicial authority is under no obligation to execute at all.

4. If in any case it is difficult to get the necessary translations made in India it is suggested that they should be made in London under arrangements made by the Secretary of

State for India before the documents are transmitted to the Foreign Office, though in exceptional cases the Foreign Office may arrange for the translations to be made by a British consular officer.

(B) Service of Documents and Taking of Evidence by Consular Officers.

5. India is not a party to any civil procedure convention and therefore it depends entirely on the local law of the foreign country in question whether British consular officers are permitted to serve documents or to take evidence on behalf of courts in India and if so under what circumstances. In some countries this is permitted where the recipient of the document or the intended witness is a British subject and not otherwise. A British consular officer should not therefore be appointed as a commissioner or examiner to take evidence in any case unless and until the permission of the Foreign Office has been obtained.* A consular officer taking evidence may be appointed (i) as commissioner, or (ii) as special examiner. The difference, however, between these two procedures is merely a technical one of British or Indian internal law and does not affect the questions under consideration here. It is quite immaterial so far as the taking of evidence in foreign countries is concerned whether a commission to take evidence is/--

* If the arrangements now proposed are adopted, it will be possible to inform the appropriate Department of the Government of India from time to time of the names of other countries where it has been ascertained that there is no difficulty as regards the service of documents or taking of evidence by British consular officers and in the case of which it is unnecessary to apply for permission to the Foreign Office in each individual instance.

12. Two certified copies of the translation of the complete letter of request in the language of the foreign country in which service is to be effected should always accompany the complete letter of request referred to in the preceding paragraph.

13. The complete letter of request in duplicate and the two certified copies of the translation should be on strong paper and bound together so that they are all covered by the signature of the judge and seal of the Court and there is no possibility of the removal substitution or addition of any sheet without breaking the seal.

14. The letter of request or the first annexed document should indicate clearly (a) which is the actual document (or documents) to be served, and (b) if any special method of service is desired (as opposed to a case where any method usually employed by the courts of the foreign country in question will suffice) the method of service desired: (viz. that one copy of the documents to be served should be left with the intended recipient; that a certificate of service by the process server should be written on the copy of the documents to be served; that the recipient should be asked to sign a copy of the document served etc. as the case may be).

(D) Taking of evidence by means of letters of req addressed to foreign judicial authorities.

15. This method may be employed in the case of all countries except the United States of America.

16. The procedure set out in paragraphs 10, 11, 12 and 13 hereof should be followed, and in addition the procedure indicated in paragraphs 17 and 18 below

17. The interrogatory with the cross-interrogatory (if any) should be inserted in proper sequence in the complete letters of request and in the certified copies of the translation. Instead of enclosing interrogatories the letter of request may request that the local agents of the parties to the proceedings (whose names and addresses should be given) should be permitted to appear at the examination of the witnesses and ask or submit to the foreign judicial authority the questions which they desire to ask.

18. The full names, descriptions, and addresses of the intended witnesses should be given in the letter of request or the "first document" referred to in paragraph 11 hereof.

SUPPLEMENTARY MEMORANDUM.

General.

Mode of transmission of documents.

All documents should be sent by the Provincial Governments to the External Affairs Department of the Government of India.

Method of preparation of documents.

Letters of request and accompanying documents should be sewn together in a parchment paper cover down the left-hand side, the ends of the silk, tape or thread with which they are sewn being brought out on to the front cover and the ends sealed down with a Government Seal.

Approximate charges of translation of document into foreign languages.

The charges made by Flowerdew & Co. Ltd., 227 Strand, London, W.C. 2, are as below:-

	Per folio of 72 words.
French: German: Spanish: Portuguese, Italian ...	1/6 d.
Dutch: Scandinavian.	2/3 d.
Russian. ...	3/-
Polish; Czechoslovak; Hungarian; Roumanian; Greek; Finish; Serbian.	4/6 d.

These charges relate to translation of ordinary matters. At least 50 percent extra is charged when the documents are of a legal or technical nature.

Special procedure in regard to particular Foreign Countries.

Japan. Reciprocal arrangements have been made between India and Japan for the execution of letters of request as well as for the service of legal processes. These documents should be forwarded through the High Court and the Provincial Government to the Government of India who will forward them

direct/-

direct to His Britannic Majesty's Ambassador at Tokyo. So far as letters of request are concerned, adequate sums for the expenses must be recovered from the parties and deposited in the Treasury before the letter is forwarded to the High Court and the covering letter should state the amount so deposited.. The Government of India have guaranteed to Japan to meet the cost involved in the execution of letters of request and other writs. A translation of all documents in Japanese should be sent with the papers. The documents should be drawn up separately for each of the Japanese Courts in whose jurisdiction witness resides and detailed particulars as to name, nationality and residence of witnesses should be given.

Siam. (1) Two methods are recognised; (i) letters of request should be addressed to the International Court at Bangkok (or other Court having jurisdiction) for the formal taking of evidence on commission. They have to be sent through the medium of His Majesty's Legation or Consulate-General and the Siamese Foreign Office and other methods are regarded as irregular. (ii) It is optional with the British Consular Officer in Siam to accept letters of request and to execute commissions by informal hearing of evidence at His Majesty's Consulate-General. The consent of the British Consular Officer (to undertaking this duty) may be presumed.

(2) When, therefore, it is desired to issue a letter of request for the examination of a witness in Siam, it would be desirable to issue, in addition to a letter of request, addressed to the Siamese Court, an alternative letter addressed to His Britannic Majesty's Consul-General at Bangkok requesting him or such other British Consular Officer as may be appointed by him to summon the said witness

and/--

specified below :-

Fee 104: For making or verifying a translation of a document for every 100 words or fraction thereof exclusive of fees for certificate (see No. 149) 7/6 plus 25 per cent = 9/6.

Fee 49: For granting any certificate not otherwise provided for, if not exceeding 100 words, exclusive of fee for drawing (no.99) 10/- plus 25 per cent = 12/6

These fees will be transmitted to the British Legation Tehran, where the necessary translation will have to be made before they are forwarded to the Iranian Government. The last known address of the person concerned should be clearly indicated in English.

Nepal.- Processes for service on persons in Nepal should be sent by the British Indian Courts direct to the Nepalese Courts specified in the Schedule annexed to the Home Department notification No.F.576/24-Judicial, dated the 15th August 1925.

United States of America. - Evidence is only to be obtained by means of commissions addressed in each case to the appropriate British Consular Officer. They are to be addressed to His Majesty's Consul-General at New York so far as his Consular District consisting of the States of New York, Connecticut and the Northern half of New Jersey, is concerned. As regards witnesses residing elsewhere in the United States of America, if the court issuing the commission is unable to ascertain which Consular Officer has jurisdiction in the State where the witness resides the commission should be addressed to the British Consular Officer for the State concerned. A list of these Officers is annexed. In such cases the Governmer of India are required to forward the commission to the British Consul General at New York, requesting him to transmit it to the consular officer having jurisdiction. If in any case it is desired to take the evidence of

witnesses/--

witnesses who reside both within and outside the particular Consular district, the commission should be made out substantially in the following terms

"To His Majesty's Consul at

with power to appoint any other person or persons whom he may deem fit to take the evidence on interrogatories which accompany this commission and viva voce of such witness to be examined at and for at

For this service the British Consular Officers maintain a scale of fees. A deposit of one hundred dollars should accompany the commission for the cost of service. Such commissions should be forwarded through the High Court and the Provincial Government to the Government of India who will transmit them to the British Consular Officer concerned.

Federated Malay States.- The letter of request should be accompanied by a translation thereof in the Englsih language and by two copies of the process or citation to be served and two copies thereof in the English language. All such documents should be forwarded direct by the courts in India to the Chief Secretary to the Government of the Federated Malay States. The scale of fees and expenses payable in connection with the execution of commissions and letters of request is given below :-

1. Affidavit.	$ 1.50
2. Originating summons.	1.50
3. Order of Judge.	1.50
4. Upon giving an appointment to take an examination under section 393 of the Federated Malay States Civil Procedure Code.	15.00
5. For every witness sworned and examined under section 393 of the Federated Malay States Civil Procedure Code for each hour or part of an hour.	5.00
6. Certificate of Registrar.	1.50
7. Transport (according to the distance of the residence of the witness).	
8. Subsistence allowance (according to the status of the witness).	

Note.- Items 1 and 2 will not be required if no agent is appointed in the Federated Malay States. Summonses can be sent by British Indian courts direct to the courts and the Federated Malay States

Iran.- Indian Courts are free to send processes for service to the Iraqi Ministry of Justice direct. Such documents should be accompanied by an English translation. If, for any particular reason, it is considered necessary to transmit the documents to the Iraqi authorities through His Majesty's Embassy at Baghdad, they should be sent through the Provincial Government to the Government of India who will forward them under cover of a despatch to the Embassy.

Residence.	Rank:
Cebu	Vice-Consul
Davao	
Iloilo	
Legaspi	
Zamboanga	
New Orleans (Louisiana)	Consul-General Vice-Consul
Jacksonville (Florida)	Consul (p) Pro-Consul
Miami (Florida)	Vice-Consul
New York (New York)	Consul-General Consul " Vice-Consul " " " " " Pro-Consul
Philadelphia (Pennsylvania)	Consul-General Vice-Consul "
Pittsburgh (Pennsylvania)	Consul-General Vice-Consul
San Juan (Puerto Rico)	Consul Vice-Consul
Ponce	
St. Louis (Missouri)	Consul Vice-Consul
St. Thomas and Ste. Croix, Virgin Islands (West Indies	Consul
Fredericksted.	Vice-Consul
San Francisco (California)	Consul-General Consul Vice-Consul Pro-Consul
Savannah (Georgia)	Consul
Atlanta.	Vice-Consul
Seattle (Washington)	Consul Vice-Consul

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue.... 13/3/39

Signed by Mr. A.S.R.

List of enclosures.....

Copied by.....

Examined by .....

Section C 5

File No. 17-38

Serial No. 6

Subject:- Procedure to be followed in regard to letters & request etc for foreign countries

No. P 4875 Secret (9 sheets)

To The Registrar High Court.

Sir,

In continuation of this Dpt's letter no P. 2044 of 1st Nov. 38, I am directed to forward herewith ~~a c/f~~ for information a copy of Resy letter ~~no~~ R. Dis. no F. 563-38 R.O.I of 27th Feby. 39 with its enclosures, for on the above subject.

I have etc

MS 3/3/39

Chief Secy to Govt

hg 1.3

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 4875-Gs-17-38-6
eeei 2 (98 Sects.)

Dated, Bangalore, 13.3.39

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar,
High Court of Mysore, Bangalore.

Sir,

Subject:- Procedure to be followed in regard to letters of request etc., for foreign countries.

In continuation of this office letter No.P.2044 dated 1st November 1938, I am directed to forward herewith for information a copy of Residency letter R.Dis.No.F.563-38 R.O.I dated 27th February 1939 with its enclosures on the above subject.

I have the honour to be,

Sir,

Your most obedient servant,

13.3

Chief Secretary to Government

K.M.R.2.

Copy.

T 10256/3737/371).

M E M O R A N D U M.

Service of Documents and taking of Evidence in Foreign Countries on behalf of Courts in India by (a) British Consular Officers and (b) Foreign Judicial Authorities.

(A) General. In all cases the documents should be forwarded by the appropriate Department of the Government of India which will in India exercise such supervision as is necessary to ensure that the documents are in order and will return them to the authority by whom they were issued for amendment in cases where this is not so. This Department of the Government of India will then forward the documents to the Foreign Office through the India Office.

2. The Foreign Office will look to the Government of India for the repayment of any fees and expenses resulting from the execution of the letter of request and claimed by the Consular Officer or the foreign judicial authority as the case may be. The Foreign Office will not be concerned with the arrangements which the Government of India may make to ensure payment of these fees and expenses by the authorities and individuals in India who are liable to pay them.

3. In no case should a precise date be fixed by the court in India for a return of the documents which are the subject of the letter of request. It is impossible for a court in India to order a date before which a foreign judicial authority must execute a request which the foreign judicial authority is under no obligation to execute at all.

4. If in any case it is difficult to get the necessary translations made in India it is suggested that they should be made in London under arrangements made by the Secretary of State for India before the documents are transmitted to the Foreign Office, though in exceptional cases the Foreign Office may arrange for the Translations to be made by a British consular officer.

(B) Service of Documents and Taking of Evidence by

Consular Officers.

5. India is not a party to any Civil procedure convention and therefore it depends entirely on the local law of the foreign country in question whether British consular officers are permitted to serve documents or to take evidence on behalf of courts in India and if so under what circumstances. In some countries this is permitted where the recipient of the document or the intended witness is a British subject and not otherwise. A British consular officer should not therefore be appointed as a commissione or examiner to take evidence in anycase unless and until the permission of the Foreign Office has been obtained.* A consular officer taking evidence may be appointed(i) as commissioner, or (ii) as special examiner. The difference, however, between these two procedures is merely a technical one of British or Indian internal law and does not affect the questions under consideraionn here. It is quite immaterial so far as the taking of evidence in foreign countries is concerned whether a commission to take evidence is issued or an a pointment as special examiner is made. Similarly, a request or order should not be made for the service of documents by a British consular officer in any foreign country unless it has been previously asertained that the consular officer is able to give effect to it.* Where evidence is to be taken in the United States of America it is not necessary to obtain the permission of the Secretary of State before a British consular officer is appointed to take the evidence. * Where the service of documents is required in the United States of America this should normally be done by a local lawyer acting as agent for the parties and where desired British consular officers will recommend suitable firms of local lawyers.

* If the arrangements now proposed are adopted, it will be possible to inform the appropriate Department of the Government of India from time to time of the names of other countries where it has been ascertained that there is no difficulty as regards the service of documents or taking of evidence by British consular officers and in the case of which it is unnecessary to apply for permission to the Foreign Office in each individual instance.

6. When the permission of the Secretary of State is sought for the taking of evidence by a British consular officer in a foreign country other than the United States of America, the nationality of the intended witness or witnesses should be stated. Similary information as to the nationality of the person to be served should be given in the case of requests for service of documents.

7. Where documents in English are being served by a British consular officer it is not necessary to supply translation in the language of the country when the recipient is of British nationality, but in other cases translations should be supplied. Where evidence is being taken by a British consular officer, it is not necessary to supply translations of any documents which are in English or in the language of the country where the consular officer resides, but translations should be furnished in other cases.

8. Orders appointing a British consular officer to take evidence should refer to His Majesty's Consul (Consul-General) at ---------- ---------- or his Deputy.

(C) Service of Documents by means of letters of request addressed to Foreign Judicial Authorities.

9. This method may be employed in the case of all countries except the United States of America.

10. Such letter of request should be drawn up by the Indian Court desiring the service of documents and where the proper description of the foreign judicial authority in question is not known, the letter of request should be addressed to the Competent Judicial Authority in ..... (name of the country concerned).

11. The letter of request in duplicate should be signed by the judge or registrar of the Indian Court and bear the Official seal of the Court. The letter of request in duplicate should either at the foot thereof contain a Schedule of all relevant documents forming part of such letter of request or be followed immediately by an Index of such documents. The first document should be a concise narrative of the action of the parties thereto and of the course to be pursued. This document and the other documents which should be as far as possible in chronological order should be numbered or

lettered to correspond with the Schedule or Index mentioned above. If any of the documents in the letter of request are in original, the copies appearing in the duplicate letter of request should be certified by an official of the Court that they have been examined a and are true copies. Such certified copies should also bear the seal of the Court.

12. Two certified copies of the translation of the complete letter of request in the language of the foreign country in which service is to be effected should always accompany the complete letter of request referred to in the preceding paragraph.

13. The complete letter of request in duplicate and the two certified copies of the translation should be on strong paper and bound together so that they are all covered by the signature of the judge and seal of the Court and there is no possibility of the removal substitution or addition of any sheet without breaking the seal.

14. The letter of request or the first annexed document should indicate clearly (a) which is the actual document (or documents) to be served, and (b) if any special method of service is desired (as opposed to a case where any method usually employed by the courts of the foreign country in question will suffice) the method of service desired: (viz. that one copy of the documents to be served should be left with the intended recipient; that a certificate of service by the process server should be written on the copy of the documents to be served; that the recipient should be asked to sign a copy of the document served etc. as the case may be).

(D) Taking of evidence by means of letters of request addressed to foreign judicial authorities.

15. This method may be employed in the case of all countries except the United States of America.

16. The procedure set out in paragraphs 10, 11, 12 and 13 hereof should be followed, and in addition the procedure indicated in paragraphs 17 and 18 below.

17. The interrogatory with the cross-interrogatory (if any) should be inserted in proper sequence in the complete letters of

request and in the certified copies of the translation. Instead of enclosing interrogatories the letter of request may request that the local agents of the parties to the proceedings (whose names and addresses should be given) should be permitted to appear at the examination of the witnesses and ask or submit to the foreign judicial authority the questions which they desire to ask.

18. The full names, descriptions, the addresses of the intended witnesses should be given in the letter of request or the "first document" referred to in paragraph 11 hereof.

Appl. 5886

SUPPLEMENTARY MEMORANDUM.

General.

Mode of transmission of documents.

All documents should be sent by the Provincial Governments to the External Affairs Department of the Government of India.

Method of preparation of documents.

Letters of request and accompanying documents should be sewn together in a parchment paper cover down the left-hand side, the ends of the silk, tape or thread with which they are sewn being brought out on to the front cover, and the ends sealed down with a Government Seal.

Approximate charges of translation of document into foreign languages.

The charges made by Flowerdew & Co. Ltd., 227 Strand, London, W.C. 2, are as below:-

	Per folio of 72 words.
French; German; Spanish; Portuguese, Italian ...	1/6 d.
Dutch; Scandinavian.	2/3 d.
Russian.	3/-
Polish; Czechoslovak; Hungarian; Roumanian; Greek; Finish; Serbian.	4/6 d.

These charges relate to translation of ordinary

At least 50 percent extra is charged when the documents are of a legal or technical nature.

Special procedure in regard to particular Foreign Countries.

Japan. Reciprocal arrangements have been made between India and Japan for the execution of letters of request as well as for the service of legal processes. These documents should be forwarded through the High Court and the Provincial Government to the Government of India who will forward them direct to His Britannic Majesty's Ambassador at Tokyo.) far as letters of request are concerned, adequate sums for the expenses must be recovered from the parties and deposited in

the Treasury before the letter is forwarded to the High Court and the covering letter should state the amount so deposited. The Government of India have guaranteed to Japan to meet the cost involved in the execution of letters of request and other writs. A translation of all documents in Japanese should be sent with the papers. The documents should be drawn up separately for each of the Japanese Courts in whose jurisdiction witness resides and detailed particulars as to name, nationality and residence of witnesses should be given.

Siam. (1) Two methods are recognised; (i) letters of request should be addressed to the International Court at Bangkok (or other Court having jurisdiction) for the formal taking of evidence on commission. They have to be sent through the medium of His Majesty's Legation or Consulate-General and the Siamese Foreign Office and other methods are regarded as irregular. (ii) It is optional with the British Consular Officer in Siam to accept letters of request and to execute commissions by informal hearing of evidence at His Majesty's Consulate-General. The consent of the British Consular Officer (to undertaking this duty) may be presumed.

(2) When, therefore, it is desired to issue a letter of request for the examination of a witness in Siam, it would be desirable to issue, in addition to a letter of request addressed to the Siamese Court, an alternative letter addressed to His Britannic Majesty's Consul-General at Bangkok requesting him or such other British Consular Officer as may be appointed by him to summon the said witness and so on as in form No.8 of Appendix H, of the Code of Civil Procedure. The Consul-General would then decide whether to move the Siamese Courts to execute the letter of request of to arrange himself for the execution of the alternative letter. Prompt return of the testimony might be secured by adopting the second method. This is specially recommended when it is desirable to take the evidence in English and the parties and witnesses are all British subjects and can be called to make their depositions at His

Majesty's Consulate-General without the necessity of issuing subpoenas. Fees for the service are usually levied on the scale appearing in the Annual Practice (white Book). The Courts should satisfy themselves before sending any document for execution that in case of a demand for any out-of-pocket expenses actually incurred in obtaining evidence for Indian Courts the money will be forthcoming. Both the letter of request addressed to the International Court at Bangkok and the alternative letter of request should be forwarded through the High Court and the Provincial Government to the Government of India who will forward them to His Majesty's Consul-General at Bangkok.

(3) The first method is however essential when for special reasons the record of a formally constituted Court is desired, or when the issue of summons to, or service of documents on, persons who are not British subjects is involved, as such summonses and documents can legally be served only through the medium of the Siamese Courts. It should be borne in mind that the Court language being Siamese, in ordinary circumstances the courts there only receive requests in the Siamese language. It is therefore advisable that the letter and interrogatories should be accompanied by a translation in Siamese although at present there are English Advisers in some of the Siamese courts.

(4) The documents should be drawn up in a proper form, and if not typewritten, should be written in ink. They should be written in English and should be easily legible. Full translations in English should accompany all vernacular documents forming enclosures.

Netherlands East Indies: Full translations in English should accompany all vernacular documents. The documents should be sent through the High Court and the Provincial

Government to the Government of India who will forward them to His Britannic Majesty's Consul-General at Batavia, and in the case of Sumatra, to His Britannic Majesty's Consul at Medan.

The Provincial Governments except those of Bombay and Bengal have authorised the Consul-General at Batavia to incur the expenses of having the depositions in Dutch translated into English before their transmission to India in the case of the letters of request issued by Courts in their respective Jurisdiction and executed by Courts in the Netherlands East Indies, and to recover the cost from those Provincial Governments. As regards letters of request emabating from courts in Bombay unless a specific request is made no English translation is made of such depositions. No translation is made in the case of letters of request issued by a Court subordinate to the High Court at Calcutta.

Iran. - Documents intended for execution in Persia (Iran) should be addressed to the Imperial Iranian Ministry of Justice and forwarded through the High Courts and the Provincial Government to the Government of India along with the necessary list of interrogatories for transmission to His Majesty's Minister, Tehran. They should be accompanied by translation into Persian of the letters of request or interrogatories or by translation fees according to the scale specified below:-

> Fee 104. For making or verifying a translation of a document for every 100 words or fraction thereof exclusive of fees for certificate (see No.149) 7/6 plus 25 per cent - 9/6.
>
> Fee 49. For granting any certificate not otherwise provided for, if not exceeding 100 words, exclusive of fee for drawing (no.99) 10/- plus 25 per cent - 12/6.

These fees will be transmitted to the British Legation Tehran, where the necessary translation will have to be made before they are forwarded to the Iranian Government. The last known address of the person concerned should be clearly indicated

in English.

Nepal. - Processes for service on persons in Nepal should be send by the British Indian Courts direct to the Nepalese Courts specified in the Schedule annexed to the Home Department notification No.F.576/24-Judicial, dated the 15th August 1925.

United States of America. - Evidence is only to be obtained by means of commissions addressed in each case to the appropriate British Consular Officer. They are to be addressed to His Majesty's Consul-General at New York so far as his Consular District consisting of the States of New York, Connecticut and the Northern half of New Jersey, is concerned. As regards witnesses residing elsewhere in the United States of America, if the court issuing the commission is unable to ascertain which Consular Officer for the State concerned. A list of these Officers is annexed. In such cases the Government of India are required to forward the commission to the British Consul General at New York, requesting him to transmit it to the consular officer having jurisdiction. If in any case it is desired to take the evidence of witnesses who reside both within and outside the particular Consular District, the commission should be made out substantially in the following terms:-

"To His Majesty's Consul at
with power to appoint any other person or persons whom he may deem fit to take the evidence on interrogatories which accompany this commission and viva voce of such witness to be examined at and for at

For this service the British Consular Officers maintain a scale of fees. A deposit of one hundred dollars should accompany the commission for the cost of service. Such commissions should be forwarded through the High Court and the Provincial Government to the Government of India who will transmit them to the British Consular Officer concerned.

Federated Malay States. - The letter of request should be accompanied by a translation thereof in the English language and by two copies of the process or citation to be served and two copies thereof in the English language. All such documents should be forwarded direct by the courts in India to the Chief Secretary to the Government of the Federated Malay States. The scale of fees and expenses payable in connection with the execution of commissions and letters of request is given below:-

1. Affidavit.	1.50
2. Originating summons.	1.50
3. Order of Judge.	1.50
4. Upon giving an appointment to take an examination under section 393 of the Federated Malay States Civil Procedure Code.	15.00
5. For every witness sworned and examined under section 393 of the Federated Malay States Civil Procedure Code for each hour or part of an hour.	5.00
6. Certificate of Registrar.	1.50
7. Transport (according to the distance of the residence of the witness).	
8. Subsistence allowance (according to the status of the witness).	

Note. - Items 1 and 2 will not be required if no agent is appointed in the Federated Malay States. Summonses can be sent by British Indian courts direct to the courts and the Federated Malay States.

Iran. - Indian Courts are free to send processes for service to the Iraqi Ministry of Justice direct. Such documents should be accompanied by an English translation. If, for any particular reason, it is considered necessary to transmit the documents to the Iraqi authorities through His Majesty's Embassy at Baghdad, they should be sent through the Provincial Government to the Government of India who will forward them under cover of a despatch to the Embassy.

List of British Consular Officers in the United States of America.

Residence.	Rank.
United States.	
Baltimore (Maryland)	Consul.
	Vice Consul.
Norfolk (Virginia)	Consul.
	Vice Consul.
Boston (Massachusetts)	Consul.
	Vice-Consul.
	Pro-Consul.
Chicago Illinois)	Consul-General
	Vice-Consul.
Detroit (Michigan)	Consul
	Vice-Consul.
	Pro-Consul
Cincinnati (Ohio)	Vice-Consul
Cleveland (Ohio)	
Galveston (Texas)	Consul
	Vice-Consul
Dallas (Texas)	"
Houston (Texas)	"
Laredo (Texas)	"
Honolulu (Hawaii)	Consul
	Vice-Consul
Los Angeles (California)	Consul
	Vice-Consul
	Pro-Consul
Douglas (Arizona)	Vice-Consul
Manila (Philippine Islands)	Consul-General
	Vice-Consul

Residence.	Rank.
Cebu	Vice-Consul
Davao	
Iloilo	
Legaspi	
Zamboanga	
New Orleans (Louisiana)	Consul-General Vice-Consul
Jacksonville (Florida)	Consul (p) Pro-Consul
Miami (Florida)	Vice-Consul
New York (New York)	Consul-General Consul " Vice-Consul " " " " " Pro-Cosnul
Philadelphia(Pennsylvania)	Consul-Genera Vice-Consul "
Pittsburgh (Pennsylvania)	Consul-General Vice-Counsul
San Juan (Puerto Rico)	Consul Vice-Consul
Ponce	
St. Louis (Missouri)	Consul Vice-Consul
St. Thomas and Ste.Croid, Virgin Islands (West Indies)	Consul
Frederickstad.	Vice-Consul
San Francisco (California)	Consul-General Consul Vice-Consul " " Pro-Conusl
Savannah (Georgia)	Consul
Atlanta	Vice-Consul
Seattle (Washington)	Consul Vice-Consul.